

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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DAVID ROSARIO; SONYA EALY,

Plaintiff(s),

vs.

RECONTRUST COMPANY; FANNIE  
MAE and BANK OF AMERICA,

Defendant(s).

Case No. 2:10-cv-1759-RLH-RJJ

**ORDER**  
(Motion for Remand—#13)

Before the Court is Plaintiffs' **Motion for Remand** (#13, filed November 4, 2010).  
Defendants' Opposition (#17) was filed November 17, 2010. The Motion will be denied.

The Motion is based on a claim that the case does not qualify for removal because (1)  
the amount in controversy does not exceed \$75,000 (Plaintiffs claim the house is worth less than  
\$70,000, and that the claims of the complaint for compensatory and punitive damages, damages for  
fraud, misrepresentation, and negligence amounts to a grand total of \$50,000.); and  
(2) Fannie Mae did not join in the petition for removal.

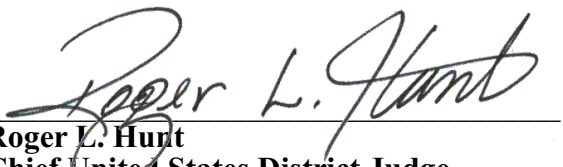
Those claims do not have merit. The property in question sold at a foreclosure sale  
for \$85,700.00. Also, there is at controversy an underlying debt in the amount of \$288,000.00,  
represented by a promissory note. When the claims for fraud and punitive damages are considered,  
the amount in controversy easily exceeds \$75,000.00, notwithstanding Plaintiffs' protestations.

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1 Furthermore, ReconTrust was first served on September 30, 2010 and Fannie Mae  
2 consented to removal on October 20, 2010, which is within thirty days. Accordingly, the Motion to  
3 Remand is without merit and will be denied.

4 IT IS THEREFORE ORDERED that Plaintiffs' Motion to Remand (#13) is  
5 DENIED.

6 Dated: November 30, 2010.

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9 **Roger L. Hunt**  
Chief United States District Judge